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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ORDER OF
JUDICIAL REMOVAL

LEONARDO ANDUJAR MENDEZ,

Criminal Docket No. 21 CR 218

Defendant.

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Upon the application of the United States of America, by Ni Qian, Esq., Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of LEONARDO ANDUJAR MENDEZ, (the “defendant”) and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Dominican Republic and a citizen of the Dominican Republic.
3. The defendant entered the United States without being admitted or paroled, or at a time or place other than designated by the Attorney General.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in this Court of participating in a conspiracy to distribute and possess with intent to distribute 40 grams or more of mixtures and substances containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846.

5. A maximum sentence of 40 years' imprisonment may be imposed for the offense of participating in a conspiracy to distribute and possess with intent to distribute 40 grams or more of mixtures and substances containing a detectable amount of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846.

6. The defendant is, and at the time of sentencing will be, subject to removal pursuant to: (1) Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1182(a)(6)(A)(i), as an alien who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General; (2) Section 212(a)(2)(A)(i)(II) of the INA, as amended, 8 U.S.C. § 1182(a)(2)(A)(i)(II), as an alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of (or conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of title 21); and (3) Section 212(a)(2)(C)(i) of the INA, as amended, 8 U.S.C. § 1182(a)(2)(C)(i), as an alien who the consular officer or Attorney General knows or has reason to believe is or has been an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 802 of title 21), or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

THEREFORE, IT IS HEREBY ORDERED, pursuant to INA Section 238(c), 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States to the Dominican Republic promptly upon his satisfaction of any sentence of imprisonment, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing.

Dated: New York, New York

January 25, 2022



ANALISA TORRES
United States District Judge